



HISTORIC PRESERVATION BOARD



VARIANCE APPLICATION

Submittal Date: _____ Received By: _____

Address of Property: _____

Historic Property/Site: _____ COA No.: _____

INSTRUCTIONS FOR COMPLETING AND FILING THE VARIANCE APPLICATION

Applications for a Variance may be submitted to the Planning and Zoning Department at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday thru Friday. The application must be filed at least **thirty (30) days** prior to the regular meeting of the Historic Preservation Board. Please print or type all of the required information, and ensure that the application is complete and accurate.

In order to be accepted for processing, the application must be accompanied by:

1. A recent legal survey of the property (within 6 months of the date of application).
2. A plot plan of the proposed changes, **all plans must be drawn to the same scale of 1"=10'; 1"=20' or 1"=30'**. The acceptance of the plot plan with the application shall be subject to the approval of the Director of Planning and Zoning or her/his designated staff;
3. Photographs of **all** elevations of each building or structure on the subject property must be attached to this application. If the subject property is vacant, photographs of the entire site must be attached. Photographs from a related application for a COA may be referenced;
4. A list of property owners within a 500' radius of the subject taken from the latest official County tax roll. In addition, a tax map showing all property lying within 500' of the subject property must be provided. **NOTE:** The applicant shall provide standard white (number 10) pre-addressed envelopes with the required postage for mailed notices. (Postage may either be in the form of stamps or metered postage. For metered postage, please ensure that the mailing date is turned off). The mailing labels must be typed and shall state the property owner's name, mailing address and property control number (PCN#). *[When Condominiums are involved, the names and addresses of all owners must be submitted]*. (For duplicates i.e. owners name and addresses are the same, please provide postage for only one pre-addressed envelope and submit the remaining duplicate labels). Please note: The list of property owners, tax map and mailing labels can be obtained at: Palm Beach County Property Appraiser's Office, 14925 Cumberland Drive (northwest corner of West Atlantic Avenue and Cumberland Drive), Delray Beach, FL 33446 Ph: (561)276-1250.
5. Processing fee of \$265.00 (make checks payable to the City of Delray Beach); and,
6. A written statement to the Historic Preservation Board demonstrating how the proposed Variance relates to the appropriateness requirement of LDR Sections 4.5.1(J).

It is necessary that an owner, or an authorized agent, be present at the Board meeting when the Variance is reviewed. If a property owner wishes to designate a representative/agent, please indicate the name of the representative/agent on the "Owner's Consent and Designation of Agency" form found on Page 4.

A pre-application conference with a member of the Planning staff is strongly recommended, and can be scheduled at your convenience. We will be glad to assist you in any way possible.

Note: Development presentations before all Boards and City Commission must be either on a LCD projector (power point) or an overhead projector. If you wish to use the City's equipment please notify staff ahead of time. Board-mounted displays should not be used as a part of a presentation.

Var No _____

Date Received _____

**CITY OF DELRAY BEACH PLANNING AND ZONING DEPARTMENT
VARIANCE APPLICATION**

Project Name: _____

Address and/or General Location: _____

PART ONE - APPLICANT INFORMATION:

APPLICANT

Name: _____

Mailing Address: _____

Telephone Number: _____ E-Mail: _____

AGENT

Name: _____

Mailing Address: _____

Telephone Number: _____ E-Mail: _____

OWNER (if other than applicant)

Name: _____

Mailing Address: _____

Telephone Number: _____ E-Mail: _____

PART TWO - PROPERTY INFORMATION:

Property Control Number: _____

Legal Description (attach separate sheet if necessary): _____

Historic District or Historic Site: _____

Zoning Designation: _____

Other than this Variance request, please state whether a Variance request was previously filed with the City of Delray Beach Historic Preservation Board regarding the subject property. If so, please state the nature of the Variance request, the date the Variance request was filed, the Variance number, and whether the Variance was granted or denied: _____

If the Variance is granted, the effect will be to: _____

Fill-In Applicable Space Below:

	Code Requirement	Request
Front Yard Setback	_____	_____
Side Yard Setback	_____	_____
Rear Yard Setback	_____	_____
Parking	_____	_____
Height	_____	_____
Floor Area	_____	_____
Other	_____	_____

OWNER'S CONSENT AND DESIGNATION OF AGENCY

(This form must be completed by **ALL** property owners)

I _____, the fee simple owner of the following
(Owner's Name)
described property (give legal description): _____

hereby petition to the City of Delray Beach for variance approval for (Project Name)

and affirm that _____
(Applicants/Agent's Name)

is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. I consent to inspection and photographing of the subject property by the Planning and Zoning Department Staff for purposes of consideration of this application and/or presentation to the Historic Preservation Board. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Delray Beach, Florida, and are not returnable.

(Owner's Signature)

The foregoing instrument was acknowledged before me this _____, day of _____, 20 ____ by _____, who is personally known to me or has produced _____ (type of identification) as identification and who did take an oath.

(Printed Name of Notary Public)

(Signature of Notary Public)

Commission # _____, My Commission Expires _____

(NOTARY'S SEAL)

AFFIDAVIT

Before me, the undersigned authority, personally appeared _____,
who being by me first duly sworn, deposes and says: (Applicant's Name)

1. That the accompanying property owners list is, to the best of my knowledge, a complete and accurate list of all property owners' names, mailing addresses, and legal descriptions of all property lying within five hundred feet (500') of the subject property as recorded on the latest official County tax rolls.

2. That the subject property is legally described as follows: (give legal description)

(Applicant's Signature)

The foregoing instrument was acknowledged before me this _____, day of _____, 20 ____ by _____, who is personally known to me or has produced _____ (type of identification) as identification and who did take an oath.

(Printed Name of Notary Public)

(Signature of Notary Public)

Commission # _____, My Commission Expires _____

(NOTARY'S SEAL)

LDR SECTION 4.5.1(J)

(J) Historic Preservation Board to act on Variance Requests: Pursuant to the powers granted in Section 2.2.6(D)(, the Historic Preservation Board shall act on all variance requests, within a Historic District or on a Historic Site, which otherwise would be acted upon by the Board of Adjustments. In acting on such variance requests the Board may be guided by the following as an alternative to the criteria normally used by the Board of Adjustments.

(1) That a variance is necessary to maintain the historic character of property through demonstrating that:

- (a) A variance would not be contrary to the public interest, safety, or welfare.
- (b) Special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
- (c) Literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character, of the historic district or historic site.
- (d) The variance requested is the minimum necessary to preserve the historic character of a historic site or of a historic district.

(2) Or, as an alternative to subsection (J)(1), that a variance is necessary to accommodate an appropriate adaptive reuse of a structure within a Historic District or upon a Historic Site through demonstrating that:

- (a) A variance would not be contrary to the public interest, safety, or welfare.
- (b) The variance would not significantly diminish the historic character of the Historic District or Site.
- (c) That the variance requested is the minimum necessary to effect the adaptive reuse of an existing structure or site.

(3) The Board shall otherwise follow all procedures and impose conditions as required of the Board of Adjustments.